



Appeal Decision

Site visit made on 16 July 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/P4605/D/24/3343226

35 Wold Walk, Billesley, Birmingham B13 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Iffit Rehman against the decision of Birmingham City Council.
 - The application reference is 2024/00421/PA.
 - The development proposed is the erection of a detached store/structure at rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The proposal is to erect a single storey detached outbuilding on the rearmost part of the back garden to the appeal property, which is a mid-terrace dwelling within a predominantly residential area. A small outbuilding would be removed to make way for the new addition. From what I saw, the prevailing pattern of existing development along Wold Walk is mainly 2-storey dwellings mostly within rectangular shaped plots with spacious back gardens.
4. The new outbuilding would be sited well away from the main house. A good-sized garden would remain with the new built form in place. Nevertheless, the proposal would be a sizeable addition. It would be considerable in depth and extend across the entire width of the plot. The footprint of the appeal scheme would comfortably exceed that of the main house. As such, the new addition could not reasonably be regarded as proportionate and incidental to the size of the house, which is a requirement of outbuildings as set out in City Note LW-21 of the Council's Supplementary Planning Document, *Birmingham Design Guide: Healthy Living and Working Places City Manual* (SPD).
5. Taken together with its solid brick walls and tiled mono-pitched roof, the new development would be of a size and form of construction that would be atypical of outbuildings and structures generally found within residential gardens. As a result, the proposal would draw the eye when seen from the rears of nearby properties. From these private vantage points, the new outbuilding would appear incongruous within the back garden of No 35 especially given its considerable scale relative to the main house. For these reasons, the appeal

scheme would be uncharacteristically large, visually dominant and obtrusive within its local suburban context. As a result, the appeal scheme would be materially harmful to the character and appearance of the local area.

6. I saw that several properties in the local area include rear outbuildings although most were generally smaller and more in keeping with their ancillary domestic use. One exception is at 31 Wold Walk, which includes a large outbuilding in the back garden that is visible from the site. My attention has also been drawn to several other outbuildings that the appellant says have been approved in the local area and are similar in size or even larger than the proposal. Against that background, I can understand the general impression these decisions and structures give, which is that the planning process has been inconsistent or even unfair in allowing developments elsewhere and not in this instance. However, from the summary details provided, I cannot be certain that the circumstances of any of these examples are the same or very similar to those of the proposal. In any event each proposal must be assessed on its own merits, which I have done. Even if the Council has been inconsistent in deciding to grant planning permission for outbuildings elsewhere and not in this case, this does not justify unacceptable development.
7. On the main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it conflicts with Policy PG3 of the Birmingham Development Plan, Policy DM2 of the Development Management in Birmingham Development Plan Document and the SPD. These policies and guidance aim to ensure that development demonstrates high design quality and is appropriate to its location. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should, amongst other things, add to the overall quality of the area.
8. In some instances, outbuildings within residential gardens can be constructed through the exercise of permitted development rights and so do not require planning permission. It is unclear whether any of the examples to which the appellant has referred or other existing outbuildings that I saw have come forward in this way. However, planning permission is sought in this instance and I have assessed the proposal on that basis.
9. Once in place, the new outbuilding and its use as a playroom, store and gym would provide valuable additional space and improve the living conditions of the appellant and her family. The appellant has explained that due to a shortage of floor area within the original house, it is everyone's requirements to construct outbuildings in the rear garden. However, these considerations do not outweigh the significant harm that I have identified.

Conclusion

10. The proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR